

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER PARTNERS II LLC,

Plaintiff and Counterclaim-Defendant,

v.

T-MOBILE USA, INC. AND SPRINT LLC,

Defendants and Counterclaimant-Plaintiffs.

Case No. 2:24-cv-00015-JRG-RSP

(Lead Case)

JURY TRIAL DEMANDED

HEADWATER PARTNERS II LLC,

Plaintiff and Counterclaim-Defendant,

v.

AT&T SERVICES, INC., AT&T MOBILITY
LLC AND AT&T CORP.,

Defendants and Counterclaimant-Plaintiffs.

Case No. 2:24-cv-00016-JRG-RSP

(Member Case)

JURY TRIAL DEMANDED

HEADWATER PARTNERS II LLC,

Plaintiff and Counterclaim-Defendant,

v.

CELLCO PARTNERSHIP, D/B/A VERIZON
WIRELESS, AND VERIZON CORPORATE
SERVICES GROUP INC.,

Defendants and Counterclaimant-Plaintiffs.

Case No. 2:24-cv-00007-JRG-RSP

(Member Case)

JURY TRIAL DEMANDED

**JOINT STIPULATION AND MOTION TO STAY PENDING INSTITUTION DECISION
ON *INTER PARTES* REVIEW OF THE SOLE ASSERTED PATENT ('868 PATENT)**

The Parties¹ jointly stipulate and move to stay the above-captioned cases² pending institution decision of *inter partes* review (IPR) on the sole asserted patent, U.S. Patent No. 9,094,868 (“’868 patent”), as follows:

WHEREAS, the Parties jointly moved to dismiss U.S. Patent No. 9,413,502 from the cases, and the Court granted that motion on January 2, 2025 (Dkt. 68 in the -015 case);

WHEREAS, the Parties jointly moved to cancel claim construction proceedings, and the Court granted that motion on January 27, 2025 (Dkt. 70 in the -015 case);

WHEREAS, in February 2025, Headwater disclaimed claims 1-10 and 16-34 of the ’868 patent and withdrew those claims from the -007, -015 and -016 cases;

WHEREAS, the only patent claims at issue in the -007, -015 and -016 cases are claims 11-15 of the ’868 patent (“Asserted Claims”);

WHEREAS, on September 20, 2024, Defendants and Intervenor-Defendants filed an IPR petition (in IPR2024-01468) challenging, *inter alia*, all Asserted Claims of the ’868 patent, and an institution decision is expected by May 13, 2025;

WHEREAS, in the cases, significant discovery remains outstanding, no depositions have occurred, and the Parties and the Court have not conducted claim construction briefing or a claim construction hearing.

¹ Collectively, the “Parties” are Plaintiff Headwater Partners II LLC (“Headwater”); Defendants T-Mobile USA, Inc and Sprint LLC (“T-Mobile”); Celco Partnership, d/b/a Verizon Wireless, and Verizon Corporate Services Group Inc. (“Verizon”); AT&T Services, Inc., AT&T Mobility LLC and AT&T Corp. (“AT&T”) (all together, “Defendants”); and Intervenor-Defendants Ericsson Inc., and Nokia of America Corporation (together “Intervenor-Defendants”).

² Collectively, the “cases” are *Headwater v. T-Mobile*, 2:24-cv-00015-JRG-RSP (lead case) (“-015 case”); *Headwater v. Verizon*, 2:24-cv-00007-JRG-RSP (member case) (“-007 case”); and *Headwater v. AT&T*, 2:24-cv-00016-JRG-RSP (member case) (“-016 case”).

WHEREFORE, IT IS HEREBY STIPULATED, AND THE PARTIES JOINTLY REQUEST THAT THE COURT ORDER THAT:

The Court GRANTS the Parties' joint request to stay the cases pending institution decision of Defendants and Intervenor-Defendants' IPR on the '868 patent. All pending deadlines in the cases are stayed. Within seven days of the institution decision in the IPR (IPR2024-01468), the Parties are ordered to file a joint case management statement apprising the Court of the institution decision and requesting such further relief as may be appropriate.

A proposed order is attached.

Dated: March 10, 2025

Respectfully submitted,

/s/ Jacob K. Baron

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CERTIFICATE OF SERVICE

I certify that on March 10, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster

Counsel for Plaintiff

Headwater Partners II LLC

CERTIFICATE OF CONFERENCE

I certify that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties conferred and agreed on filing this Joint Stipulation and Motion.

/s/ Marc Fenster

Marc Fenster

Counsel for Plaintiff

Headwater Partners II LLC